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| 10/804,541 | 03/19/2004 | Peter S. Vosbikian | QUK-003 | 7458 |
| 26589 7590 07/17/2008 WILDMAN HARROLD ALLEN & DIXON LLP 225 WEST WACKER DRIVE, SUITE 2800 CHICAGO, IL 60606 | | | | |
| EXAMINER | | | | |
| MENEZES, MARCUS | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,541

Applicant(s)

VOSBIKIAN ET AL.

Examiner

MARCUS MENEZES

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23, 27-33, 35-42, 44 and 68-74 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 46-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23, 27-33, 35-42, 44 and 68-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

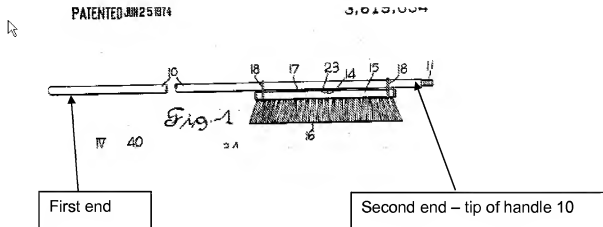
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21,23,27,32-40,69 and 71-73 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Clark (US 3,819,034).

Regarding claim 18, Clark discloses a method of packing a shipping container with a plurality of implements comprising the steps of: providing a plurality of implements, each implement comprising a handle (10) attached to a working end (11), the handle including a first end and a second end (see below), wherein each of the implements includes substantially a same first length, comprising a distance from a bottom surface of the working end to the second end of the handle, and a handle-attachment member (15) releasably securable to the second end of the handle; providing a shipping container (30,40); and disposing the plurality of implements, with the handle-attachment members detached from the second ends of the handles, within the shipping container so that at least one working end is aligned with at least one of another working end and a second end of another implement. (See Figures 1 and 3).



Regarding claims 19 and 71, Clark further discloses that the implements are selected from the group consisting of mops, brooms and dusters, long-handled garden implements and rakes.

Regarding claim 20, Clark further discloses that two or more of the implements comprise different working ends.

Regarding claim 21, Clark further discloses that the handle-attachment member is adapted to extend the implement to a second length comprising a second distance from the bottom surface of the working end to a top end of the handle-attachment member.

Regarding claim 23, Clark further discloses that the handle-attachment member comprises a threaded section (14) for mating with a threaded section disposed on the second end of the handle.

Regarding claim 27, Clark further discloses attaching the handle-attachment members to side surfaces of the handles before the disposing step.

Regarding claim 32, Clark further discloses that said handle-attachment members are clipped on the side surfaces of the handles.

Regarding claims 33 and 69, Clark further discloses that during the disposing step at least one working end is aligned with at least one second end, that second end being another working end.

Regarding claim 34, Clark further discloses that during the disposing step at least one working end is aligned with another working end.

Regarding claim 35, Clark further discloses that during the disposing step said at least one working end is vertically aligned with said at least one of another working end and said second end of another implement.

Regarding claim 36, Clark further discloses that during the disposing step the implements are stacked within the shipping container.

Regarding claim 37, Clark further discloses that the disposing step of the implements are aligned in parallel formation within the shipping container.

Regarding claim 38, Clark further discloses that after the disposing step the bottom surface of the working end is near one end of the shipping container and the second end of the handle is near an opposite end of the shipping container.

Regarding claim 39, Clark further discloses that a wall dimension of the shipping container is sized just larger than the first length.

Regarding claim 40, Clark further discloses that during the disposing step the handle is disposed along the wall dimension of the shipping container.

Regarding claim 72, Clark further discloses that said working end is adapted to clean.

Regarding claim 73, Clark further discloses that said handle-attachment member is adapted to be attached to the second end of the handle in a parallel alignment to extend the handle. See figure above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 28, 44 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US 3,819,034) in view of Michelson et al. (US 6,902,060, hereinafter "Michelson").

Regarding claim 22, Clark discloses the invention as applied to claim 18 above, but fails to disclose that the handle-attachment member ranges in length from about 12 inches to about 20 inches.

Michelson teaches of a handle-attachment member (43) with a range length of about 12 inches to about 20 inches. (See col. 5, second paragraph).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of said range in Clark in view of Michelson in order to provide a reasonable length to operate said handle-attachment member.

Regarding claims 28 and 74, Clark discloses the invention as applied to claim 18 above, but fails to disclose that the second length is 70 inches or less or within the range of 70 to 37 inches.

Michelson teaches of a second length that is capable of 70 inches or less.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of said range in Clark in view of Michelson in order to provide a reasonable length to operate said handle-attachment member.

Regarding claim 44, Clark discloses the invention as applied to claim 18 above, but fails to disclose that the first length is within a range of about 40 inches to about 48 inches.

Michelson teaches of a first length within a range of about 40 inches to about 48 inches. (see abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of said range in Clark in view of Michelson in order to provide a reasonable length to operate said handle-attachment member.

Claims 24,29 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Ogier (US 3,600,740).

Clark discloses the invention as applied in claim 18 above, but fails to disclose a length dimension of the shipping container being no greater than about 48 inches and 40 inches.

Ogier teaches of a similar device with a shipping container being no greater than about 48 inches. (See col. 2, lines 29-37).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of said shipping container length in Clark in view of Ogier in order to provide a reasonable length to use and carry the shipping container.

Claims 30, 31, 42, 43 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Carlson (US 3,359,929).

Clark discloses the invention as applied in claim 18 above, but fails to disclose placing and disposing the shipping container on a pallet, wherein said pallet is about 40 inches in length and where said pallet is sent to a destination.

Carlson teaches of a pallet of 40" x 48" used to support goods that are sent.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of a 40" x 48" pallet used for placement of goods that are sent to destinations in Clark in view of Carlson in order to provide an efficient mechanism for transport and handling of the invention during the shipping process to various locations for sale. Further, regarding claim 70, if said pallet is shipped, then said pallet must reach a destination; thus fulfilling the claim limitations.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark. Clark discloses the invention as applied to claim 18 above including the disposing of the implements within the shipping container, but fails to disclose a plurality of shipping containers. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have disclosed a plurality of shipping containers, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Response to Arguments

Applicant's arguments filed February 19, 2008 have been fully considered but they are not persuasive.

Applicant argues that no prior art was cited for the rejections of claims 24 and 29. Examiner respectfully disagrees with regard to claim 29. Claim 29 was in fact rejected with prior art in the office action dated December 5, 2007 (see page 6 of said action). As for claim 24, since the claim was cancelled in the claims presented on Feb. 8, 2007, Applicant was incorrect to modify cancelled claim 24 in the claims filed on June 29, 2007; hence Examiner was not required to review said claim.

Applicant argues that that "reference number 11 of Clark is not a working end as stated in independent claim 18." Examiner respectfully disagrees. Examiner has shown above that the working end (11) is in fact attached to the handle. Further,

although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicant argues that “since independent claim 18 requires that the handle 10 of Clark include a first end and a second end, the end 11 of the handle 10, which the Examiner has classified as the working end, must also comprises either a first end or a second end.” Examiner respectfully disagrees that element 11 “must also comprise either a first end or a second end.” The working end (11) is distinct from the second end of the handle. See Fig. above. Examiner is not categorizing the working end as Applicant describes in his latest response. Rather, the fact of the matter is that the working end (11) is attached to the handle at the handle's second end. This reads on the claim language; thus Examiner has maintained the rejection of claim 18.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS MENEZES whose telephone number is (571)272-6284. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vic Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MM/

/Robert J. Sandy/
Primary Examiner, Art Unit 3677